United Nations A/C.3/58/L.53

General Assembly

Distr.: Limited
17 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Argentina, Azerbaijan, Brazil, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Mozambique, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Senegal, South Africa, Swaziland, Thailand, Timor-Leste, Togo, United Republic of Tanzania, Uruguay and Zambia: draft resolution

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right, and that such a right derives from the inherent dignity of the human person,

Recalling that, according to the constitution of the World Health Organization,[6] health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] United Nations, *Treaty Series*, vol. 14, No. 221.

03-61664 (E) 181103

Recognizing the need to progressively achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the relevant provisions of declarations and programmes of action adopted by the major United Nations conferences, summits and special sessions and at their follow-up meetings, in particular the four health-related development goals contained in the United Nations Millennium Declaration,[7]

Noting Commission on Human Rights resolution 2003/28 of 22 April 2003[8] and all previous resolutions adopted by the Commission concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Noting also general recommendation 24 on women and health (article 12 of the Convention on the Elimination of All Forms of Discrimination against Women), adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session,[9]

Welcoming the adoption of the World Health Organization Framework Convention on Tobacco Control by the fifty-sixth session of the World Health Assembly on 21 May 2003,[10]

Recognizing the important contribution of all regional and subregional intergovernmental initiatives regarding HIV/AIDS, including those aimed at strengthening horizontal technical cooperation and encouraging best practices,

Aware that for millions of people throughout the world the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing also in this regard the important role of civil society, including non-governmental organizations, and in particular that of people living with HIV/AIDS in the fight against this pandemic,

Recognizing further the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Welcoming the initiatives by the Secretary-General and relevant United Nations bodies and programmes, including the World Health Organization and the

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[7] Resolution 55/2.

[8] See E/2003/23 (Part I), chap. II, sect. A.

[9] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38* (A/54/38), chap. I.A.

[10] *Official Records of the World Health Organization, Fifty-sixth World Health Assembly, Geneva, 19-28 May 2003* (WHA56/2003/REC/1), resolution 56.1.

Joint United Nations Programme on HIV/AIDS, as well as public-private partnership initiatives, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Concerned about the interrelationships between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and in particular about the fact that ill-health can be both a cause and a consequence of poverty,

Considering that sexual and reproductive health are integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health, adopted at the Fourth Ministerial Conference of the World Trade Organization, held in Doha from 9 to 14 November 2001,[11] and welcoming the decision of the General Council of the World Trade Organization of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health,[12]

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively, by all appropriate means, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including, in particular, the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Reaffirms* that the achievement of the highest attainable level of health is a most important worldwide social goal, the realization of which requires action on the part of many other social and economic sectors in addition to the health sector;

5. *Affirms* that good governance at all levels, sound economic policies and solid democratic institutions responsive to the needs of the people are also key to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States to pay special attention to the situation of vulnerable groups, including by the adoption of positive measures, in order to safeguard the full

[11] WT/MIN(01)/DEC/2. Available on the Internet at http://docsonline.wto.org.

[12] See WT/L/540.

realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

7. *Also calls upon* States to place a gender perspective at the centre of all policies and programmes affecting women's health;

8. *Further calls upon* States to protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

9. *Invites* States to consider signing and ratifying the World Health Organization Framework Convention on Tobacco Control, adopted by the fifty-sixth session of the World Health Assembly on 21 May 2003;[10]

10. *Takes note with interest* of the interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[13]

11. *Also takes note with interest* of the approach proposed by the Special Rapporteur to encompass the responsibilities of States at all levels in his future work on how to evaluate the progressive realization of the right of everyone to the highest attainable standard of physical and mental health and of his efforts to apply this approach to specialized areas of health care, such as essential medicines, sexual and reproductive health, HIV/AIDS, children's health and water and sanitation;

12. *Welcomes* the special attention given by the Special Rapporteur to the identification of good practices for the effective implementation of the right of everyone to the highest attainable standard of physical and mental health;

13. *Recognizes* the need for further international cooperation and research to promote the development of new drugs, vaccines and diagnostic tools for diseases causing a heavy burden in developing countries, and stresses the need to support developing countries in their efforts in this regard, taking into account that the failure of market forces to address such diseases has a direct negative impact on the progressive realization in these countries of the right of everyone to the highest attainable standard of physical and mental health;

14. *Requests* the United Nations High Commissioner for Human Rights to provide the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

15. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;

16. *Notes* the request of the Commission on Human Rights to the Special Rapporteur, in its resolution 2003/28,[8] to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate;

17. *Requests* the Commission on Human Rights to continue consideration of this matter at its sixtieth session under the same agenda item.

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[13] E/CN.4/2003/58.